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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,707	08/08/2002	Masahiro Hasebe	086142-0532	1883

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,707

Applicant(s)

HASEBE, MASAHIRO

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment received on January 15, 2004, in which claim 1 was canceled and claims 2, 5, 7, 8, and 11 were amended.

Claim Objections

2. Claims 8, 10, and 11 are objected to because of the following informalities.

In regards to claims 8 and 11, "passenger side air bag" (line 1) is confusing because it is difficult to determine if the air bag is a side air bag intended for a passenger in a vehicle, or if it is any air bag on the passenger side of the vehicle. The examiner suggests hyphenating some of the words or rephrasing this portion of the claim to emphasize the intended feature. The applicant's specification uses the phrase "passenger-side air bag", which would be acceptable to overcome this claim objection.

In regards to claims 8 and 11, "the passenger" should be --a passenger-- (line 3).

In regards to claim 10, "an gas inlet" should be --a gas inlet-- (line 1).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi et al. (5,358,273). In regards to claim 11, Onishi et al. disclose a passenger-side air bag (best seen in figures 4, 14) comprising a front section (right side of air bag in figure 4) including a pair of front panels (#2, portion of #1 including #6) forming an exterior surface positioned to face a passenger when the air bag deploys (best seen in figure 14), wherein one of the pair of front panels includes a rearward extending section (#4) located inside the air bag and connecting the front section to a rear section (#1 not including #6), wherein the rear section includes a rear panel (#1 not including #6) and a mid panel (#5), the mid panel being connected to the rearward extending section (at #2b) and the rear panel (via #1b), and wherein a seam (at #2d) joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figure 4), and wherein the rearward extending section (#4) and the mid panel (#5) divide the air bag into upper and lower chambers (portion above #4 is upper chamber and portion below #4 is lower chamber), and the rearward extending section includes an opening for allowing gas to pass between the chambers (#4 is a strap, thus allowing air flow on either side of the strap)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (5,129,675). In regards to claim 8, Wang discloses a passenger-side air bag (#18) comprising a front section (#20, 22, 23, 28, 52, 54) including a pair of front panels (#20, 22, 24, 28, 52, 54) forming an exterior surface positioned to face a passenger when the air bag deploys (best seen in figures 1, 4), wherein one of the pair of front panels (#28) includes a rearward extending section (#52, 54) located inside the air bag and connecting the front section to a rear section (#26, 42, 51) and a seam joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figures 2, 3; some connecting seams not shown). Wang does not disclose that the rearward extending section (#52, 54) is integral to the front panel. It would have been obvious to one skilled in the art at the time that the invention was made to modify the rearward extending section of Wang such that it was integral to one of the pair of front panels as claimed since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Further, the integral structure would make for easier manufacturing of the air bag since fewer parts would be involved in the manufacturing process.

In regards to claim 9, Wang discloses the rear section (#26, 42, 51) including a rear panel (#26) and a mid panel (#34), the mid panel being connected to the rearward extending section (#52, 54) and the rear panel (best seen in figure 4).

In regards to claim 10, Wang discloses the mid panel (#34) including a gas inlet opening for receiving pressurized gas from a gas generator (column 3, lines 40-46).

In regards to claim 12, Wang discloses the front and rear sections of the air bag being connected together at a connecting seam that is positioned away from an exterior of the air bag so that the connecting seam cannot contact the passenger when the air bag deploys (best seen in figures 2, 3; some connecting seams not shown).

7. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al. (5,358,273). In regards to claim 8, Onishi et al. disclose a passenger-side air bag (best seen in figures 4, 14) comprising a front section (right side of air bag in figure 4) including a pair of front panels (#2, portion of #1 including #6) forming an exterior surface positioned to face a passenger when the air bag deploys (best seen in figure 14), wherein one of the pair of front panels includes a rearward extending section (#4) located inside the air bag and connecting the front section to a rear section (#1 not including #6) and a seam (at #2d) joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figure 4). Onishi et al. do not disclose that the rearward extending section (#4) is integral to the front panel. It would have been obvious to one skilled in the art at the time that the invention was made to modify the rearward extending section of Onishi et al. such that it was integral to one of the pair of front panels as claimed since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v.*

Detroit Stove Works, 150 U.S. 164 (1893). Further, the integral structure would make for easier manufacturing of the air bag since fewer parts would be involved in the manufacturing process.

In regards to claim 9, Onishi et al. disclose the rear section including a rear panel (#1 not including #6) and a mid panel (#5), the mid panel being connected to the rearward extending section (at #2b) and the rear panel (via #1b).

In regards to claim 10, Onishi et al. disclose the mid panel (#5) including a gas inlet opening for receiving pressurized gas from a gas generator (#11; #5 is a strap, thus allowing air flow on either side of the strap).

In regards to claim 12, Onishi et al. disclose the front and rear sections of the air bag being connected together at a connecting seam that is positioned away from an exterior of the air bag so that the connecting seam cannot contact the passenger when the air bag deploys (all connecting seams positioned away from the exterior as can be seen in figure 4).

Allowable Subject Matter

8. Claims 2-7 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter in claim 2 is an edge of either the front upper panel or the front lower panel being connected to a boundary portion between a body portion of the other of the front upper panel and the front lower panel and the extending piece.

Response to Arguments

10. Applicant's arguments filed January 15, 2004 have been fully considered but they are not persuasive. In regards to claim 11, Onishi et al. disclose a rearward extending section (#4) including an opening for allowing gas to pass between the chambers. Specifically, since the rearward extending section is a strap, there are openings on either side of the strap for allowing gas to pass between the upper and lower chambers.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura B. Rosenberg

LBR

Paul N. Dickson 3/29/04
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